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IN THE CLAIMS:

Please amend the claims as follows:

1. (currently amended) A method of push-to-talk operation, comprising:
monitoring push-to-talk usage of a mobile communication device, the usage being
by a user of the mobile communication device;
determining a push-to-talk metric based on the push to talk usage of the mobile
communication device; and
selecting a push-to-talk session unavailability mitigation based on the push-to-talk
metric;
~~wherein the metric is a function of multiple instances of push-to-talk usage.~~
2. (original) The method of push-to-talk operation according to claim 1, wherein the
session unavailability comprises one of a delay of an activation of a push-to-talk session and an
interruption of a push-to-talk session.
3. (original) The method of push-to-talk operation according to claim 1, wherein the
session unavailability mitigation comprises a mitigation of delay of an activation of a push-to-
talk session.
4. (previously presented) The method of push-to-talk operation according to claim 1,
whercin the session unavailability mitigation further comprises selecting a packet switched
channel.
5. (original) The method of push-to-talk operation according to claim 1, whercin the
session unavailability mitigation further comprises establishing a reverse link for a selected time
period in anticipation that a reverse push-to-talk session is established.

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6. (original) The method of push-to-talk operation according to claim 1, wherein the session unavailability mitigation comprises holding a push-to-talk connection for a selected time period after release of a push-to-talk button in anticipation that a subsequent push-to-talk session is established.

7. (original) The method of push-to-talk operation according to claim 1, wherein the session unavailability mitigation is a mitigation of interruption of a push-to-talk channel.

8. (previously presented) The method of push-to-talk operation according to claim 1, wherein the session unavailability mitigation comprises selecting a circuit switched channel.

9. (original) The method of push-to-talk operation according to claim 1, wherein the session unavailability mitigation comprises prohibiting a network handover of the mobile communication device.

10. (original) The method of push-to-talk operation according to claim 1, wherein the session unavailability mitigation comprises prohibiting a network handover of the mobile communication device for a selected time period.

11. (original) The method of push-to-talk operation according to claim 1, wherein the push-to-talk metric is based on a measurement of a length of a delay of a push-to-talk channel activation.

12. (original) The method of push-to-talk operation according to claim 1, wherein the push-to-talk metric is based on a probability of an activation of a subsequent push-to-talk session.

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13. (original) The method of push-to-talk operation according to claim 1, wherein the push-to-talk metric is based on a time measurement of the length of time of a push-to-talk channel interruption.

14. (original) The method of push-to-talk operation according to claim 1, wherein the push-to-talk metric is based on a probability of a push-to-talk channel interruption.

15. (original) The method of push-to-talk operation according to claim 1, wherein the push-to-talk metric is based on a time between subsequent push-to-talk sessions from the same mobile communication device.

16. (original) The method of push-to-talk operation according to claim 1, wherein the push-to-talk metric is based on a probability of subsequent push-to-talk sessions from the same mobile communication device.

17. (original) The method of push-to-talk operation according to claim 1, wherein the push-to-talk metric is based on a probability of a push-to-talk session from one mobile communication device and a subsequent push-to-talk session from a another mobile communication device on a reverse channel.

18. (original) The method of push-to-talk operation according to claim 1, wherein the push-to-talk metric is based on a length of time of a push-to-talk session.

19. (original) The method of push-to-talk operation according to claim 1, wherein the push-to-talk metric is based on a probability of handoff of the push-to-talk session.

20. (currently amended) A method of push-to-talk operation for a mobile communication device, comprising:

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comparing at least one push-to-talk usage metric to a push-to-talk usage metric threshold, the push-to-talk usage metric being based on the usage of the mobile communication device by a user of the mobile communication device;

selecting a session unavailability mitigation based on comparing the push-to-talk usage metric to the push-to-talk usage metric threshold;

establishing a push-to-talk session employing the session unavailability mitigation;

monitoring a parameter of operation of the push-to-talk session; and

modifying the push-to-talk metric based on the parameter of operation of the push-to-talk session;

~~wherein the metric is a function of multiple instances of push-to-talk usage.~~

21. (original) The method of push-to-talk operation according to claim 20, wherein the session unavailability comprises at least one of delay of an activation of a push-to-talk channel and an interruption of a push-to-talk channel.

22. (original) The method of push-to-talk operation according to claim 20, further comprising modifying a session unavailability mitigation parameter as a function of a push-to-talk usage metric.

23. (original) The method of push-to-talk operation according to claim 22, wherein the session unavailability mitigation parameter comprises a time to delay the end of a push-to-talk session after a user releases a push-to-talk button.

24. (original) The method of push-to-talk operation according to claim 22, wherein the session unavailability mitigation parameter comprises a selection of a circuit switched push-to-talk session and a packet switched push-to-talk session.

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25. (original) The method of push-to-talk operation according to claim 22, wherein the session unavailability mitigation parameter comprises a duration of a reverse push-to-talk session from another mobile communication device.

26. (currently amended) A method of push-to-talk operation for a mobile communication device, comprising:

loading at least one push-to-talk mitigation parameter;

executing a push-to-talk algorithm to configure at least one push-to-talk session unavailability mitigation based on the push-to-talk mitigation parameter, the push-to-talk session unavailability mitigation controlling the operation of a push-to-talk function of the mobile communication device;

establishing a push-to-talk session for the mobile communication device;

monitoring at least one metric of push-to-talk operation of the mobile communication device, the metric of push-to-talk operation being based on the usage of the mobile communication device by a user of the mobile communication device;

modifying a push-to-talk mitigation parameter based on the at least one metric of push-to-talk operation of the mobile communication device; and

reconfiguring the at least one push-to-talk session unavailability mitigation based on the modified push-to-talk mitigation parameter;

~~wherein the metric is a function of multiple instances of push-to-talk usage.~~

27. (original) The method of push-to-talk operation according to claim 26, wherein session unavailability comprises one of

a delay of an activation of a push-to-talk session, and

an interruption of a push-to-talk session.

28. (previously presented) The method of push-to-talk operation according to claim 26, wherein the session unavailability mitigation comprises one of

selecting a packet switched channel,

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establishing a reverse link for a selected time period unless a reverse push-to-talk session is established, and

holding a push-to-talk connection for a selected time period after release of a push-to-talk button unless a subsequent push-to-talk session is established.

29. (previously presented) The method of push-to-talk operation according to claim 26, wherein the session unavailability mitigation comprises one of

selecting a circuit switched channel,

prohibiting a network handover of the mobile communication device, and

prohibiting a network handover of the mobile communication device for a selected time period.

30. (currently amended) An apparatus for push-to-talk operation, comprising:

a usage monitor configured to monitor push-to-talk usage of a mobile communication device by a user of the mobile communication device;

a metric determination module configured to determine a push-to-talk metric based on the push to talk usage of the mobile communication device; and

a mitigation selector configured to select a push-to-talk session unavailability mitigation based on the push-to-talk metric;

~~wherein the metric is a function of multiple instances of push-to-talk usage.~~

31. (original) The apparatus for push-to-talk operation according to claim 30, wherein the session unavailability mitigation comprises a mitigation of delay of an activation of a push-to-talk session.

32. (previously presented) The apparatus for push-to-talk operation according to claim 30, wherein the session unavailability mitigation further comprises one of

selecting a packet switched channel,

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establishing a reverse link for a selected time period in anticipation that a reverse push-to-talk session is established, and

holding a push-to-talk connection for a selected time period after release of a push-to-talk button in anticipation that a subsequent push-to-talk session is established.

33. (original) The apparatus for push-to-talk operation according to claim 30, wherein the session unavailability mitigation is a mitigation of interruption of a push-to-talk channel.

34. (previously presented) The apparatus for push-to-talk operation according to claim 30, wherein the session unavailability mitigation comprises one of
selecting a circuit switched channel,
prohibiting a network handover of the mobile communication device, and
prohibiting a network handover of the mobile communication device for a selected time period.

35. (original) The apparatus for push-to-talk operation according to claim 30, wherein the push-to-talk metric is based on one of
a measurement of a length of a delay of a push-to-talk channel activation, and
a probability of an activation of a subsequent push-to-talk session.

36. (original) The apparatus for push-to-talk operation according to claim 30, wherein the push-to-talk metric is based on one of
a time measurement of the length of time of a push-to-talk channel interruption,
and
a probability of a push-to-talk channel interruption.

37. (original) The apparatus for push-to-talk operation according to claim 30, wherein the push-to-talk metric is based on one of

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a time between subsequent push-to-talk sessions from the same mobile communication device, and

a probability of subsequent push-to-talk sessions from the same mobile communication device.

38. (original) The apparatus for push-to-talk operation according to claim 30, wherein the push-to-talk metric is based on a probability of a push-to-talk session from one mobile communication device and a subsequent push-to-talk session from a another mobile communication device on a reverse channel.

39. (original) The apparatus for push-to-talk operation according to claim 30, wherein the push-to-talk metric is based on one of

a length of time of a push-to-talk session, and

a probability of handoff of the push-to-talk session.